CAMPAIGN SPENDING CONSTITUTIONAL AMENDMENT/Rejection

SUBJECT: **A constitutional amendment to allow Congress and the States to limit contributions and expenditures in elections . . . S.J. Res. 18. Passage.**

ACTION: JOINT RESOLUTION DEFEATED, 38-61

SYNOPSIS: S.J. Res. 18, a constitutional amendment to allow Congress and the States to limit contributions and expenditures in elections, will propose the following text as an amendment to the Constitution, if ratified within 7 years by three-fourths of the States' legislatures:

- Section 1. Congress shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, Federal office.
- Section 2. A State shall have power to set reasonable limits on the amount of contributions that may be accepted by, and the amount of expenditures that may be made by, in support of, or in opposition to, a candidate for nomination for election to, or for election to, State or local office.
- Section 3. Congress shall have power to implement and enforce this article by appropriate legislation.

NOTE: A two-thirds majority vote of Members present and voting in both Houses of Congress is required to pass a proposal to amend the Constitution. If a proposal passes, then Congress must submit that proposal to the States for ratification. Congress may either ask the States to call conventions to ratify the proposal, or, alternatively, ask the States' legislatures to approve the measure. If three-fourths of the States approve a proposal, it becomes part of the Constitution.

Those favoring the resolution contended:

Money is corrupting the political process in America. The calculation is simple--whomever has the most money wins. Americans

(See other side)

YEAS (38)

Republicans (4 or 7%)	Democrats (34 or 76%)	
Cochran	Akaka	Harkin
Jeffords	Baucus	Hollings
Roth	Biden	Inouye
Specter	Bingaman	Johnson
	Boxer	Kerry
	Breaux	Landrieu
	Bryan	Lautenberg
	Byrd	Levin
	Cleland	Lieberman
	Conrad	Mikulski
	Daschle	Murray
	Dodd	Reed
	Dorgan	Reid
	Feinstein	Robb
	Ford	Sarbanes
	Glenn	Wellstone
	Graham	Wyden

NAYS (61)

Republicans (50 or 93%)		Democrats (11 or 24%)
Abraham	Helms	Bumpers
Allard	Hutchinson	Durbin
Ashcroft	Hutchison	Feingold
Bennett	Inhofe	Kennedy
Bond	Kempthorne	Kerrey
Brownback	Kyl	Kohl
Campbell	Lott	Leahy
Chafee	Lugar	Moseley-Braun
Coats	Mack	Moynihan
Collins	McCain	Rockefeller
Coverdell	McConnell	Torricelli
Craig	Murkowski	
D'Amato	Nickles	
DeWine	Roberts	
Domenici	Santorum	
Enzi	Sessions	
Faircloth	Shelby	
Frist	Smith, Bob	
Gorton	Smith, Gordon	
Gramm	Snowe	
Grams	Stevens	
Grassley	Thomas	
Gregg	Thompson	
Hagel	Thurmond	
Hatch	Warner	

NOT VOTING (1)

Republicans (1)	Democrats (0)
Burns-[2]	

EXPLANATION OF ABSENCE:
1—Official Business
2—Necessarily Absent
3—Illness
4—Other

SYMBOLS:
AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

of average means can run for office, or can contribute to candidates, political action committees, political parties, or other organizations involved in the political process, but their money does not make that much difference because rich Americans can contribute much more to their own candidacies, other candidates, or other causes that they support. The candidates who can spend the most on television and radio ads almost always ends up winning. Rich individuals and rich corporations understand this fact, and, consequently, every year they pump more money into their own campaigns or into the campaigns of candidates who represent their views. We are ending up with a government of, by, and for the rich. Numerous legislative solutions have been tried over the years, but those efforts have failed abysmally because of a Supreme Court ruling that said that money was the same thing as free speech in political campaigns, and that therefore the amount spent could not constitutionally be regulated. The Supreme Court has shown no sign of modifying this wrongheaded decision. The only possible way to fix the problem, therefore, is to pass a constitutional amendment giving Congress and the States the right to regulate the amount spent in elections.

The corrupting influence of money in political campaigns reached its zenith in the late 1960's and early 1970's. Wealthy contributors and organizations walked around Washington with valises filled with $100 bills that they gave to politicians. Corporations and rich individuals were told bluntly by politicians how much they were expected to contribute. Access was being sold. The influence of money was exposed to the public in the Watergate investigations. In a fit of conscience, Congress then passed the Federal Election Campaign Act (FECA) in 1974 to limit the amount that any one source could give to a candidate and to limit the amount that could be spent on behalf of a candidate. That law only stood for 2 years before the Supreme Court's Buckley v. Valeo decision (424 U.S. 1 (1976) (per curiam)). That decision basically upheld limiting the amounts that could be contributed to candidates but said that the amount spent by or on behalf of candidates could not be limited. That decision began a gradual erosion of the FECA limits on money in campaigns. Spending had been drastically cut in 1974, but after the Buckley decision contributors gradually learned how to evade the limits by giving to organizations not directly connected to candidates; also, because the decision favored wealthy candidates willing to spend their own money, more and more rich Americans ran for office.

The average cost of running for Federal office has gone up 700 percent since 1976. To raise enough money to run for office, a Senator must now come up with $2100 per day for 6 years. At one time, the Senate scheduled its fundraisers around its legislative activities; now it commonly schedules its legislative activities to make sure they do not conflict with its fundraisers. Additionally, this spending does not affect any of the "independent" spending that comes from political parties and other groups. Many Senators are retiring because they do not want to continue the money chase and because they do not want to have to put up with anonymous 30-second attack ads against them in their campaigns. The problem is so bad that we are starting to have scandals on the order of Watergate. For instance, the public has been rightly outraged by some of the scandals that have been recently reported in connection with President Clinton's campaign, such as the $100,000 per person coffee klatsches that were held. Democrats are not the only ones who have engaged, and are still engaging, in questionable activities. We remind our colleagues that the Republican Party outraised the Democratic Party in the last election.

All of this problem has come about because of the Buckley decision. That narrow, 5-4 decision equated money with speech in a Federal campaign. The justices noted that to get one's message out to all the people in a State or congressional district, one had to use some form of mass communication because it was an obvious logistical impossibility to meet each constituent individually. They then reasoned that all forms of mass communication cost money, from television advertisements to the lowly handbill, so therefore, in a political campaign, money is the equivalent of free speech. After having made this determination, the court then looked at whether the right to free speech in a campaign could be limited. Its answer was yes and no. It said that the right to give money to a candidate could be limited, but the amount spent by or on behalf of a candidate could not.

The first problem with this decision is that it is a mistake to call campaign spending free speech. It is not free, it has a cost. The free speech protection of the first amendment is intended to make sure that everyone has the right to speak his or her mind without being sanctioned for the views they express. It most assuredly is not intended to protect the right of rich Americans and rich organizations to give massive amounts of money to candidates who represent their views, and thus end up with an insurmountable campaign advantage over candidates of modest means who represent views held by Americans of similarly modest means. Endorsing that proposition is equivalent to abandoning the one-man-one-vote principle.

The second problem with this decision is that it makes a distinction between donations and expenditures. It allows donations to be restricted in order to prevent corruption or the appearance of corruption, but it wrongly insists that expenditures do not carry the same danger of corruption or the appearance of corruption. All of the recent scandals prove this second proposition to be wrong. The number of rich candidates of both parties who have spent massive sums on their own campaigns for President or for Congress, and have won or have arguably caused others to lose, have disillusioned Americans. It should not be possible to purchase the presidency or a congressional seat. Further, the apparent selling of access by both parties to those rich groups and Americans who "independently" give or spend money on their behalf shows that expenditures can carry the reality or appearance of corruption every bit as much as donations can.

Congress has tried many times since the Buckley decision to craft legislative solutions around it. We have supported those solutions, not because we believed that they were constitutional, but because we did not want to lose their sponsors' support on our constitutional solution. The reality is that the only way to solve this problem is to amend the Constitution. The Supreme Court is not

going to reverse itself. In fact, in its recent decision in Colorado Republican Campaign Committee v. the Federal Election Commission, it made it even harder for Congress to enact laws to control campaign spending. If the Court says that campaign spending is free speech that cannot be restricted, then the only logical solution is to amend the Constitution to say that it is free speech that can be restricted.

Throughout this debate we have heard Senators claim that restricting campaign spending would mark the first time in history that the First Amendment right to free speech had been restricted. They are wrong. Numerous laws and Supreme Court rulings have imposed restrictions. Laws and rulings have been adopted restricting obscene speech, speech intended to provoke violence, speech that posed a public safety threat (such as yelling 'fire" in a crowded theater), speech that was objectionable for reasons other than its content (such as loudspeaker broadcasts at 3:00am), and many other forms of speech. Though the Constitution flatly prohibits laws that restrict the freedom of speech, numerous laws and court rulings undeniably have imposed restrictions. Those laws and rulings have been the equivalent of amendments to the Constitution even though they have not been explicitly stitched into the text. Even the Buckley v. Valeo decision effectively restricted the right to free speech because it said that the interest in preventing corruption was great enough to allow restrictions on the free speech right to contribute to candidates.

Governments exist by the consent of the governed, whether that consent is given freely or by coercion. In our republic, constitutional freedoms and majority elections serve as the basis for free consent for both the majority and minority. Certainly some coercion exists--laws are not voluntary--but no more consensual form of government has ever been devised. Unfortunately, due to the way campaigns are financed, the free consent that our Government gains from majority elections is being lost. Competing rich interests run campaigns to determine which rich interests the Government will serve. We have developed a new and detestable form of government that must be destroyed. We urge adoption of the Hollings amendment.

Those opposing the resolution contended:

Argument 1:

The sponsor of this constitutional amendment is honest. He admits that the only way to restrict campaign spending is to restrict the constitutional right to free speech. He is honest in his approach, and he is honest in his convictions--he believes that this constitutional amendment is necessary to preserve our republic. Rather than preserve representative democracy, though, his amendment will destroy it, and it will take individual rights with it. Rarely if ever has Congress considered such a damaging proposal. Our republic nearly foundered in its infancy when it passed the Alien and Sedition Acts to curtail political speech; those acts pale in significance when compared to the far graver threats posed by the Hollings Amendment.

The Constitution would not have been ratified if James Madison had not made the political promise that he would immediately attempt to amend it to provide explicit protections for individual rights. Ratification was officially contingent upon three-fourths of the State legislatures approving it, but everyone realized that without ratification from the two largest States, New York and Virginia, it would become a dead letter. In Virginia, the Constitution was strongly opposed by Patrick Henry because it did not contain explicit protections for individual rights. Madison argued that he supported individual rights as well, but that those rights were protected by implication; his argument was not accepted. Therefore, in order to gain enough support for ratification, Madison promised that as soon as the Constitution was ratified he would propose amendments to provide specific protections. True to his word, he proposed twelve amendments, ten of which were quickly passed and ratified and which are now known as the Bill of Rights. The first amendment provides: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or bridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the government for a redress of grievances."

Our country could not exist without the basic protections provided by this amendment, whether explicitly stated or implicitly understood. The right to free speech is especially important; it stands at the very core of our democracy. As Madison put it: " . . . the right of electing members of the government constitutes more particularly the essence of a free and responsible government. The value and efficacy of this right depends on the knowledge of the comparative merits and demerits of the candidates for public trust; and on the equal freedom, consequently of examining and discussing these merits and demerits of the candidates respectively." Our Founding Fathers, and the political philosophers from whom they drew, were very familiar with political censorship, and with the arguments in favor of political censorship by the government, and they firmly rejected it. They did not write the First Amendment to read that the government will only allow a "reasonable" amount of free speech, as proposed by the Hollings amendment, they wrote that "no law" to restrict free speech will be allowed. They believed, as do we, that it is the essence of tyranny to respond to an argument by suppressing it rather than presenting a counter-argument and letting the voters decide.

Ratification of the Constitution was as uncertain in New York as it was in Virginia. It was eventually secured in large part due to the arguments made by James Madison and Alexander Hamilton in the Federalist Papers. We wonder if those papers could even have been written and disseminated if New York had had in place Hollings-amendment type restrictions. The government of New York could well have decided that those papers were giving New Yorkers a disproportionate, "unreasonable" amount of political

speech in favor of ratification, and could hence have banned them and issued orders for the arrest of their authors.

Shortly after the adoption of the Constitution the value of the First Amendment was confirmed by its violation. In 1798 the majority Federalist Party passed the Alien and Sedition Acts in an effort to suppress increasing public disagreement with its policies. Specifically, the Federalists wanted to stop criticism from Jeffersonian Republicans and pro-French, anti-British aliens. The Sedition Act forbade any criticism of Federal officeholders made "with the intent to defame" or to bring them "into contempt or disrepute." Ten Jeffersonian Republicans, mostly newspaper editors, were convicted and suffered heavy fines and imprisonment. One Congressman, Matthew Lyon of Vermont, was jailed for publishing a pamphlet criticizing President Adams. Public outrage over this Government suppression led two States (Kentucky and Virginia) to declare the Acts null and void within their boundaries, and resulted in the electoral collapse of the Federalist Party in the 1800 elections. The Federalist Party, which had been declining in popularity, was destroyed by its efforts to curtail political speech.

Nearly 200 years later, in 1974, another attempt was made to limit political speech when Congress passed the Federal Election Campaign Act (FECA). That Act was passed because public policy was being determined, or at least the appearance was that it was being determined, by those interests that gave large amounts of money to candidates for office. FECA placed sweeping restrictions both on campaign contributions and expenditures. That law was quickly challenged, and, in 1976, large parts of it were struck down as unconstitutional.

In defending the law, the Federal Government gave three reasons that it said justified its imposing both contribution and expenditure limits. It said that it wanted limits in order to remove the corruption or the appearance of corruption that came from large contributions and expenditures, it wanted to "mute the voices of affluent persons" in elections, and it wanted to make it cheaper to run for office so people who did not have money and could not get much financial support could afford to run. The latter two rationales were dismissed entirely by the Court, which held that the Government has no right to restrict the speech of some persons in order to enhance the speech of others, nor has it any right to restrict speech to make the electoral process "more fair." The first rationale it accepted, but only for contributions.

Supporters of this amendment have used the Court's upholding of the restrictions on contributions, as well as its upholding over the years of other restrictions on the First Amendment (particularly restrictions on the right to free speech), as a justification for proposing this constitutional amendment to restrict expenditures as well as contributions. They believe that those decisions effectively amended the First Amendment, so Congress should not act as though it were doing anything unprecedented in considering the Hollings Amendment. We disagree. The First Amendment right to free speech was never intended to be absolute. None of the Founding Fathers, for instance, passed the First Amendment to protect the dissemination of child pornography, or the right to urge crowds to riot, or the right to shout "fire!" in crowded theaters. Court cases that have affirmed original intent should not be regarded as amendments to the Constitution. Other decisions have been made that we believe have been contrary to original intent, and are therefore effectively amendments as our colleagues say (though they differ from actual amendments in that they may be overturned by the next majority vote of the Supreme Court). However, this fact does not justify our colleagues' argument that these poor decisions excuse their effort to amend the Constitution. Their amendment cannot be justified because the Supreme Court has made poor decisions in the past; it must be judged on its own merits. The Hollings amendment, as already outlined, is not an attempt to restore original intent; the primary purpose of guaranteeing the right to free speech was to protect political speech from Government censure; it was not intended to protect just a "reasonable" amount from censure.

Unlike the Hollings amendment, the Supreme Court's ruling in Buckley v. Valeo was in conformance with original intent. The Court ruled that a contribution carries with it the possibility of a political quid pro quo, or the seeds of corruption, that an expenditure does not carry. For instance, if Term Limits USA paid for the entire campaign of a candidate, the appearance would be that the candidate served Term Limits USA instead of his or her constituents. On the other hand, if Term Limits USA ran ads against an incumbent for failing to vote to limit the number of years a Member could serve, little appearance of corruption would emerge. Certainly it is a matter of degree, but as a basic principle the reality or appearance of corruption is much greater with contributions. Further, contributions impinge on associational rights rather on direct political speech, and are therefore closer to the mantle than the core of the First Amendment. The Supreme Court has often in the past upheld restrictions on basic civil liberties in furtherance of a compelling Government interest (which in this case is to avoid corruption or the appearance of corruption in elections). Such restrictions, including those restrictions on the First Amendment noted above, do not violate original intent.

For expenditures, though, the court found that any limit would act as a limit on a candidate's ability to make his or her views known, because only through expenditures through the media is it possible for candidates to reach the voters with their views. In other words, the court found that expenditures are the equivalent of free speech in a campaign. Our colleagues have professed to have a great deal of difficulty in understanding this principle. They insist that expenditures are "paid" speech, not free speech. They are twisting the meaning of free speech. The word "free" in the First Amendment has absolutely nothing to do with monetary cost. It is not intended to keep the Government from charging people by the syllable; it is intended to stop the Government from suppressing the free exchange of ideas, especially in politics. "Free" in this context means that people may speak without fear of Government retribution.

The more thoughtful of the Hollings amendment's supporters, including the sponsor himself, fully understand this point. They

know that they cannot limit campaign spending without limiting the right to free speech. As House Minority Leader Gephardt, who is a firm supporter of this amendment, put it: "What we have is two important values in direct conflict: freedom of speech and our desire for healthy campaigns in a healthy democracy. You can't have both." For our part, we find utterly abhorrent the suggestion that free speech is antithetical to free elections. However, we add that our colleague's blunt statement is not as repugnant as it sounds. What many of our more liberal colleagues have convinced themselves they are striving for is the adoption of some form of an equity standard under which each individual American, regardless of wealth or support from entities with wealth, will be able to mount a credible campaign if he or she desires, and will have the same ability to influence an election as each other individual American will have. Under that standard, they want to restrict spending to the amount that the least wealthy majority of Americans may "reasonably" spend. What is reasonable will be determined by Congress.

For reasons which we will explain below, we believe our colleagues are deluding themselves on what they are trying to accomplish with this constitutional amendment, and even if they are not the the amendment will not work as advertised. However, for the sake of argument, we will assume for the moment that enactment of the Hollings amendment will lead to the adoption of spending limits that will have the desired egalitarian results our colleagues have convinced themselves they want. Under such a formulation, every reason for participating in politics, however passionately held, will be crushed under a reductionist, simplistic economic calculation. Americans have many reasons for participating in the political process--some are motivated out of civic responsibility; some are motivated by a desire to grab a share of the wealth that is distributed by the Government; some are motivated by a desire to stop the Government from grabbing so much of their wealth; some are motivated by a desire to stop the Government from imposing so many restrictions on their liberties; some are motivated by a desire to make the Government better live up to its responsibility to protect civil society; still others have other motivations. Under this amendment, though, no motivation will matter. Everyone will have to follow exactly the same restrictions and will be subject to exactly the same, low, flat limits. Do our colleagues really see such a result as an improvement on democracy? A slim majority of Americans with a vague preference in favor of a given policy will end up with the right to speak out more on that policy in an election than a slim minority of Americans who will suffer great harm if the policy is adopted. Why, if a minority has a great stake in an issue, should it be limited to how much it can argue in its defense by a simple bean count of its members? The Hollings amendment, if it works as advertised, will trash minority rights to argue the views that they passionately hold.

We by no means expect it to work as advertised. The Hollings amendment will give the Federal Government the right to set "reasonable" limits on all expenditures by, on behalf of, or in opposition to candidates for Federal office, and will give the States the same right for State and local candidates. Under this amendment, for instance, Congress will be able to decide that only expenditures by the candidates themselves are reasonable, and will therefore be able to bar all other expenditures. It will also be allowed to set strict limits on the amounts the candidates themselves can spend. This amendment will make it totally constitutional for Congress to ban any political spending that may affect an election if it is by unions, the National Rifle Association, the National Abortion Rights Action League, Common Cause, the National Taxpayers Union, political parties, Term Limits USA, the Veterans of Foreign Wars, the American Association of Retired People, or literally any other group or individual. Not one Senator has denied that expenditures by these groups could be limited or banned; all they have done is say that Congress would not dare say it was reasonable to impose an immediate and total ban on non-candidate participation in elections. That assurance is pretty thin gruel given the record of many of the very Senators who most zealously support the Hollings amendment.

Over the past couple of decades numerous campaign finance "reform" bills have been put forward. Some of those bills have had mostly Democratic support, and others have had mostly Republican support. The "reforms" that have been advocated, whether suggested by Republicans or Democrats and whether constitutional or not, have had one common denominator: they have had the mysterious effect of advocating campaign financing methods that would have been beneficial to the parties that were advocating them. For instance, Democrats commonly ignore all of the money spent by unions on elections, because that money benefits principally Democratic candidates; even more blatantly, in one of their recent "reform" proposals they proposed banning all "bundling" except for the bundling done by Emily's List, which coincidentally gives money only to Democratic candidates. No one understands better the intricacies of campaign financing than Members of Congress, and we guarantee that whichever party is in power will always find it a lot more "reasonable" to restrict expenditures of groups that do not support them than to restrict expenditures of supportive groups. Our colleagues are absolutely right that Congress will not put an immediate clamp on all non-candidate spending; instead, it will gradually strangle democracy with selective, pernicious limits.

Our colleagues claim that the only expenditures that will not be covered will be spending by the press. Most of the Senators who support the Hollings Amendment are liberal Democrats who are complacent about press coverage because it treats them charitably. They view the world through the same pink blinders as reporters, more than 90 percent of whom say they are Democrats (and no doubt most of the rest of whom think Democrats are too conservative). Thus, our colleagues are sincere when they say that they have no intention of using this amendment to clamp down on press coverage of politics. However, their sincerity is meaningless; all that matters is the language of the amendment, and newspapers and television will have little chance of escaping that language. Media outlets incur costs when they make their endorsements and give their slanted coverage of campaigns, and those costs already dwarf the amounts spent from all other sources on every election. Year in and year out, television and radio stations run hours of news

programming each day that is favorable to liberal causes and candidates. The only balance against that programming is political advertising, which comprises only a minuscule fraction of all advertising due to its high cost. For instance, the average amount spent on two entire congressional campaigns is only enough money to pay for one 30-second Super Bowl commercial. Almost all political expenditures are by the press and by a plain reading of the Hollings Amendment those expenditures will be subject to limits. Further, we have absolutely no doubt that our sincere colleagues will soon have a sincere change of heart if this amendment passes. The reason is obvious: if they place tight restrictions on the ability of the majority of Americans who are not liberal to advertise their views, then the only recourse those Americans will have to be heard will be to buy press outlets so they can express their views. Our Democratic colleagues will suddenly lose their complacency if a major network is run by conservatives who cover the issues, and them, from a conservative viewpoint for a few hours each day. They will suddenly understand that it is not quite fair for liberal candidates to have campaign spending limits that make it impossible to buy more than a handful of 30-second responses. Then they will support limiting press coverage of politics (all in the interest of having "fairer" campaigns, of course). Our Democratic colleagues always have only the highest of motivations, which only by remarkable coincidence always work to their own particular political interests.

The Federalists in 1798 and the Democrats in 1996 have a lot in common. The Federalists' policies were losing favor among the American people. As the Federalist Party died, the Federalists could not accept that the majority of the people disagreed with their policies. Instead, they placed the blame on what they sincerely believed was unfair political speech that was misleading the public. Democrats today are similarly unable to accept that the majority of Americans do not favor their high-tax, big-government creed, and they similarly blame it on all sorts of scurrilous political attempts to mislead the public. Americans are getting more involved in politics because Democrats have made the Government so big and so intrusive that they have little other rational choice. Americans try to get Government benefits because Democrats created Government benefits; Americans try to get relief from Government regulations and taxes because Democrats imposed Government regulations and taxes. As the Government gets bigger the stakes get higher and political participation consequently increases. Our Democratic colleagues do not like to hear all the complaints about the Federal monolith they have created, so they want to place limits on the right to free speech. They cannot accept that Americans are no longer buying the line that the Democratic Party promotes an activist government to give benefits to working people. They want to hide the fact that the welfare state created by the Democratic Party taxes working Americans, and taxes them unmercifully. They are not pleased when anyone points out that their party has been hijacked by moral relativist liberals who hold in contempt the values of mainstream, working Americans. They think they defend workers, so they cannot understand why blue-collar Americans have made common cause with establishment Republicans to promote limited government. They are in total denial over the fact that they can collect hundreds of millions of dollars from rich Americans, corporations, Hollywood activists, and apparently foreign dictators, but, unlike Republicans, they can get very little money anymore from average Americans.

The Hollings amendment will limit the right of Americans to speak out on politics. Without a free and open debate on issues we will not have fair elections, and without the right to free speech all our other personal liberties will be threatened. Our country is founded on the twin pillars of majority rule and individual rights. The Hollings amendment will break both pillars. This amendment poses a grave threat to our republic and should be unanimously rejected.

Argument 2:

The Buckley decision was flawed, but it gave ample room to craft effective campaign finance reform laws. Such laws, in fact, could serve as the basis for legal challenges that would eventually lead to rulings that would overturn or modify the Buckley decision. Thus, passing this constitutional amendment would serve no useful purpose. Further, passing a constitutional amendment that would explicitly amend the First Amendment to the Constitution for the first time in 210 years could have horrendous unintended consequences. The Hollings constitutional amendment is a dangerous overreaction to a problem that has a legislative solution. We urge its rejection.